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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Mag. Case No. '08 MJ 8104
Plaintiff,	)	COMPLAINT FOR VIOLATION OF:
v.	)	Title 8, U.S.C., Section 1326 Deported Alien Found In the United States
Miguel Angel MENDEZ-Espinosa,	)	
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about February 3, 2008, within the Southern District of California, defendant Miguel Angel MENDEZ-Espinosa, an alien, who previously had been excluded, deported, and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) , and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 5th DAY OF FEBRUARY 2008.

PETER C. LEWIS
United States Magistrate Judge

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UNITED STATES OF AMERICA
v.
Miguel Angel MENDEZ-Espinosa

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, M. Mireles, that the Defendant was found and arrested on February 3, 2008 east of Calexico, California.

BPA Mireles was performing his assigned Border Patrol duties approximately 3.5 miles east of Calexico, California Port of Entry. BPA Mireles was advised by the Remote Video Surveillance Operator that an illegal alien later identified as Miguel Angel MENDEZ-Espinosa had illegally entered the United States by climbing over the United States/Mexico International Border Fence. BPA Mireles responded to the area and found MENDEZ. BPA MIRELES identified himself as a Border Patrol Agent and questioned MENDEZ as to his immigration status to be in the United States. MENDEZ stated that he is a citizen of Mexico and illegally in the United States. MENDEZ was placed under arrest.

Record checks revealed that an Immigration Judge ordered MENDEZ deported to Mexico from the United States on November 15, 2006. Record checks also revealed that MENDEZ has an extensive criminal and immigration record.

There is no evidence MENDEZ has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.